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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Drew James VAN NORMAN, *et al.*) Group Art Unit: 3746
)
)
Application No. 10/687,616) Examiner: Peter John BERTHEAUD
)
Filed: October 20, 2003)
For: PUMP DRIVE ALIGNMENT APPARATUS AND METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated October 11, 2006, having a one-month shortened statutory period of response set to expire November 11, 2006, Applicant respectfully requests consideration of the subject application in light of the following remarks.

REMARKS

STATUS OF CLAIMS

Claims 1-24 are pending in this application.

OFFICE ACTION

(1) The Office Action has required restriction to one of the following groups under 35 U.S.C. § 121:

I. Claims 1-5, 11-13 and 20-24, drawn to a method and an adapter for connecting a motor/gear box assembly, classified in class 418, subclass 206.2;

II. Claims 6-10 and 14-17, drawn to an apparatus for pumping materials, classified in class 417, subclass 360; and

III. Claims 18-1, drawing to a method for connecting a motor/gear assembly to a pump assembly, classified in class 29, subclass 888.02.

Applicant respectfully traverses the election requirement. However, to be fully responsive, Applicant hereby elects Group II, Claims 6-10 and 14-17.

According to the M.P.E.P. § 803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it may include claims to independent or distinct inventions.

Applicant respectfully submits that the examination of the entire application, including claims 1-24 and FIGS. 1-10, would not be a serious burden on the Examiner. This is particularly so because the Examiner has not provided reasons why the examination of all the species would be a serious burden. Therefore, Applicant respectfully requests that the elections requirement be withdrawn and that all claimed species be examined in this application. If Examiner chooses to maintain the election requirement however, Applicant expects Examiner, if the elected species is found allowable, to continue to examine the full scope of the elected subject matter to the extent necessary to the patentability thereof, *i.e.*, extending the search to a reasonable number of non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. §121.

Furthermore, Applicant has paid a filing fee for an examination of all claims in this application. If the Examiner refuses to examine the claims paid for when this application was filed, Applicant must pay duplicative fees to file divisional applications for the non-elected or withdrawn groups of claims. In conclusion, the Examiner has not shown that there would be a serious burden on the Examiner if the restriction were not made.

No fee is due in connection with the submission of this amendment. However, any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read 'Stephen S. Fabry', written over the printed name.

Stephen S. Fabry
Registration No. 51,661

Date: 10/17/04
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Tel: (202) 861-1500
Fax: (202) 861-1783